

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23517 of 2004

Between:

P.Srinivas S/o.Meenaiah, Occu: Lab Technician,
Government Civil Hospital, Huzurabad,
Karimnagar Dist.

..... PETITIONER

AND

- 1 A.P.Medical & Health Services The Director
Koti, Hyderabad.
- 2 A.P.Medical & Health Services Head Officer
Karimnagar, Karimnagar Dist.
- 3 The Civil Surgeon, Govt., Civil Hospital
Huzurabad, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of "certiorari" call for the records relating to order dt 27-10-2004 passed in OA No.5978/2004 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, and quash the same as unjust and without any basis and also set aside the orders Rc.No.E2/1567/2004 dt 13-10-2004 issued by the 2nd respondent and further direct the respondents to continue the petitioner as lab Technician at Govt Civil Hospital, Huzurabad, Karimnagar District.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents: GP FOR SERVICES II

The Court at the stage of admission made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed against the order, dated 27.10.2004 passed by the A.P. Administrative Tribunal in O.A.No.5978 of 2004.

2. The petitioner was working as Lab Technician in Government Civil Hospital, Huzurabad. He was transferred to Primary Health Centre, Mahamutharam, by the second Respondent vide proceedings Rc.No.E2/1567/2004, dated 13.10.2004. The said proceedings were challenged in the O.A. The Tribunal dismissed the same at the stage of admission with the following observation:

“The case of the applicant is that the transfer is in violation of the G.O.Ms.No.512, dated 14.6.2004 and also the orders of Government banning transfers. Even though there may be administrative orders laying down certain guidelines for transfers and orders banning transfers, the applicant ought to have been exhausted the departmental remedies that are available to him which are clear and present. Transfer is an incidence of service and this Tribunal will not interfere in such matters particularly when clear alternative remedies are available to him and the applicant without exhausting such remedies cannot directly seek intervention of this forum. The applicant shall therefore exhaust the alternative remedies that are available to him before approaching this Tribunal since he has not done so. The O.A. is therefore dismissed at the admission stage.”

3. Learned counsel for the petitioner submits that the order of the Tribunal is in gross violation of G.O.Ms.No.512, dated 14.6.2004 and that the same ought to have been considered while dealing with the matter.

4. We are afraid we cannot accept the contention raised by the learned counsel.

5. The Tribunal, having observed that the petitioner has the alternative remedy of approaching the authorities, dismissed the O.A.

6. Under those circumstances, we do not find any ground to interfere with the order of the Tribunal. However, we leave it open for the petitioner to make representation to the first respondent and the same shall be disposed of within a period of six weeks from the date of receipt of a copy of this order.

7. With the direction indicated above, the Writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J.

P.S. NARAYANA, J.

Date: 30.12.2004

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To

1 The Registrar, A.P. Administrative Tribunal, Hyderabad.

2 The Director, A.P. Medical & Health Services,
Koti, Hyderabad.

3 A.P. Medical & Health Services Head Officer

Karimnagar, Karimnagar Dist.

4 The Civil Surgeon, Govt., Civil Hospital
Huzurabad, Karimnagar Dist.

5 2 CCs to the G.P for Services II, High Court Buildings, Hyderabad (O.U.T).

6 2 CD copies